

In the Court of Appeals of the State of Alaska

Randell G Jackson,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13406**

Order
Appellate Rule 204

Date of Notice: **6/11/2019**

Trial Court Case No. **1HA-16-00022CI, 1HA-12-00043CR**

Randell G. Jackson represents himself in this appeal, which arises from the summary dismissal of Mr. Jackson's application for post-conviction relief. In an order dated May 13, 2019, this Court denied without prejudice Mr. Jackson's motion requesting that the voir dire proceedings during the jury selection in Mr. Jackson's underlying criminal trial — Case No. 1HA-12-00043CR — be transcribed at public expense. The Court explained that Mr. Jackson needed to show how the voir dire proceedings from his underlying criminal case are relevant to his current appeal of the dismissal of his application for post-conviction relief. In particular, the Court pointed out that if the requested material had not been presented to the trial court, then those materials may not be used to challenge the trial court's decisions, or used in this appeal to otherwise seek some relief from this Court. (See Appellate Rule 210(a) ("Material never presented to the trial court may not be added to the record on appeal."))

Mr. Jackson has filed what appears to be a new request to have the voir dire proceedings during the jury selection in his underlying criminal trial transcribed. Although Mr. Jackson's pleadings are difficult to understand, it appears that he is asking this Court to supplement the appellate record with the voir dire proceedings in order to review the post-conviction relief proceedings for plain error. In other words, it appears

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that Mr. Jackson is implicitly conceding that the material he wants transcribed was not presented to the trial court as part of Mr. Jackson's post-conviction relief application.

Mr. Jackson basically contends that he can supplement the appellate record because this Court has the authority to review court proceedings for plain error. This is generally true, an appellate court may review a claim that plain error occurred during a trial court proceeding — but such a claim of plain error must be based on the existing record in that trial court proceeding. A claim of plain error cannot be based on additional materials that were not presented to the trial court. In other words, Mr. Jackson may raise a claim of plain error in this appeal, but this claim must be based on the record that was presented to the superior court in the underlying post-conviction proceedings.

For this reason, Mr. Jackson's renewed request to transcribe the voir dire proceedings from his underlying criminal trial is **DENIED**. To the extent that Mr. Jackson is asking to supplement the record with the audio recordings of those voir dire proceedings, this request is also **DENIED**.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Kyle Roberts, Deputy Clerk

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